

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
AND ONIZUKA LOCAL REDEVELOPMENT AUTHORITY MEETING
TUESDAY, DECEMBER 9, 2008

(Immediately following this meeting, the Onizuka Local Redevelopment Authority Meeting was held)

6 P.M. SPECIAL COUNCIL MEETING (Closed Session) - Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Negotiator: Erwin Young, Director of Human Resources; Employee Organization: Service Employees International Union (SEIU) Local 715 (part-time employees).

6:30 P.M. SPECIAL COUNCIL MEETING (Study Session) - Intergovernmental Relations (IGR) Discussion for 2009 IGR Council Assignments.

7 P.M. COUNCIL MEETING

SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Anthony Spitaleri
Vice Mayor Melinda Hamilton
Councilmember John Howe
Councilmember Ron Swegles
Councilmember Christopher Moylan
Councilmember David Whittum

ABSENT:

Councilmember Otto Lee (excused)

STAFF PRESENT:

City Manager Gary Luebbers
Assistant City Manager Robert Walker
City Attorney David Kahn
Director of Community Development Hanson Hom
Director of Public Works Marvin Rose
Director of Finance Mary Bradley
Interim Library Director Susan Denniston
Community Outreach Coordinator Nathan Truitt
Project Planner Rosemarie Zulueta
Planning Officer Trudi Ryan
Solid Waste Program Manager Mark Bowers
Revenue Systems Supervisor Tim Kirby
City Clerk Gail Borkowski

SPECIAL ORDER OF THE DAY

Presentation by El Camino Hospital regarding the hospital's service to the community during 2008 and the new hospital building planned to open in July 2009.

REPORT OF CLOSED SESSION OF DECEMBER 9, 2008

Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Negotiator: Erwin Young, Director of Human Resources; Employee Organization: Service Employees International Union (SEIU) Local 715 (part-time employees).

Vice Mayor Hamilton reported direction was given, but no action was taken.

PUBLIC ANNOUNCEMENTS

Councilmember Howe stated Councilmember Lee has been called for active military duty and requested an item be added to a Council agenda to discuss Councilmember Lee's status and whether a successor or interim Councilmember should be appointed. Councilmember Howe requested the issue be discussed in an open forum, and Councilmember Swegles second the request. Mayor Spitaleri stated the subject would be added to a future agenda as a public hearing/general business item.

CONSENT CALENDAR

Vice Mayor Hamilton moved, and Councilmember Howe seconded, to approve the Consent Calendar.

VOTE: 6-0 (Councilmember Lee absent)

1.A. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.B. RTC 08–361 List of Claims and Bills Approved for Payment by the City Manager – List No. 430**

Staff Recommendation: Council reviews the attached lists of bills.

- 1.C. RTC 08–342 Recognition of Revenues from the Department of Justice Bullet Proof Vests Partnership in the Amount of \$6,241 and Approval of Budget Modification No. 18**

Staff Recommendation: Council authorizes the recognition of Bullet Proof Vest Partnership Program revenues in the amount of \$6,241 and approves Budget Modification No. 18.

Other Items

- 1.D. RTC 08–360 Approve Confirmation of New Members to the NOVA Workforce Board**

Staff Recommendation: Council confirms Dr. Frank Benest, Mr. Dennis Cima, Mr. Carl Cimino, Ms. Janeen Dittrick, Mr. Christopher Galy, Mr. John Rehm, Mr. Steve Rummel, Ms. Ladan Saghabi, and Mr. Ken Toren for four-year terms on the NOVA Workforce Board.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None

PUBLIC COMMENTS

Michael Rose stated the City spends about \$100,000 annually, with funding from the federal government, to reconfigure sidewalk corners in order to conform to the federal mandate under the American with Disabilities Act. Rose stated the City only spends federal money on this project; therefore, it will take the City 200 years to complete the project. Rose requested Council consider allocating City funds equal to the amount of federal funds received annually in order to seriously address curb cuts. Rose requested Council consider this item immediately if possible or during the next budget session.

Rose requested a study issue on household grey water and the ability to use it safely.

Rose requested the City seek a more humane treatment of those who panhandle, instead of viewing it as a criminal activity.

Councilmember Whittum stated he would sponsor a study issue on the filtration of grey water and its use for irrigation. Councilmember Swegles stated he would co-sponsor the study issue.

Councilmember Whittum stated he would sponsor a budget issue to financially assist with completing the necessary curb cuts within the City. No co-sponsor was offered.

Vice Mayor Hamilton verified with Director Rose the City has historically used City funds on curb cuts; however, this year only federal funds are being used.

Vice Mayor Hamilton verified with Rose use of grey water requires the homeowner must install a filtration system, which filters non-biodegradable materials out of house water, then pumps that water into the yard. Vice Mayor Hamilton verified with Rose he would like the City to allow homeowners the ability to reconfigure their pipe systems in order to divert the waste water, not including sewer waste, out into their yards and gardens.

Jeanine Stanek, Sunnyvale Historical Society and Museum Association, welcomed Sunnyvale City Manager Gary Luebbers. Stanek presented Luebbers with a book on the history of Sunnyvale and an honorary museum membership.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 08-349 Exploration of a Branch Library in Sunnyvale [Study Issue]

Interim Director Denniston presented the staff report.

Councilmember Swegles stated he recently attended a seminar on education which focused on the need for third-grade children to increase their library use. Councilmember Swegles verified with Interim Director Denniston the Library has many youth programs and Library staff is currently working with the local schools to encourage third-grade children to sign up for library cards.

Mayor Spitaleri noted during an educational seminar Council recently attended, that prisons base their future populations on third-grade reading abilities. Mayor Spitaleri stated he would like to see the Library push a campaign that all children learn to read by third grade.

Public hearing opened at 7:32 p.m.

Mayor Spitaleri stated he approved Jim Griffith's request to speak for five minutes.

Jim Griffith, Chair of Board of Library Trustees, stated the board recommended approval of staff recommendation to deliver library services through developing remote digital access and exploring cooperative ventures in addition to exploring outreach service options and continued improvements to the main Library.

Griffith stated the arguments against a branch library are compelling, particularly the expense to operate a branch library.

Griffith stated the board concluded the study asked the wrong questions and recommends the City ask which community segments are being underserved and what is the best way to serve those segments. Griffith noted the board recommends approving a second study issue to determine the best way to meet specific needs of currently underserved community segments.

Councilmember Moylan asked Griffith to consider what the City would get in return by building a branch library. Councilmember Moylan acknowledged concerns that building a branch library would take funds away from fixing the main Library; however, it is important to consider what would happen if future bond issues continue to fail and the main Library project is not built. Currently, Council has the option to assist with Library issues by using funds, planned for another capital project, to build a branch library.

Griffith explained doubling the size of the main Library or building a branch library will increase the operating expense; however, doubling the size of the main Library benefits the greatest number of people. The board agrees there is a greater difficulty in getting a main Library built; however, the reason the recent Library bond did not pass was not because the demand for usage was low.

Councilmember Moylan verified with Griffith another bond issue would not be attempted until 2011. Griffith stated over the long-term, branch libraries do not work. Councilmember Moylan stated he does not dispute Griffith's points, but questioned whether a more obtainable branch library might be a better short-term solution. Griffith stated this is a choice issue and the operating costs dominate that choice.

Vice Mayor Hamilton disclosed that she had a discussion with Griffith earlier in the day.

Vice Mayor Hamilton inquired as to which libraries are most used by residents of Sunnyvale, and Griffith explained Sunnyvale residents obtain 40 percent of their materials through other libraries. Griffith stated the top three other libraries used by Sunnyvale residents include:

- 1) Santa Clara
- 2) Cupertino
- 3) Martin Luther King (San Jose)

Griffith noted the San Jose library is one of the top three libraries used by Sunnyvale residents, and proves that residents will travel a distance to use another library. Therefore, their activity does not support building a branch library.

Councilmember Swegles verified with Interim Librarian Denniston should the City consider joining together with county libraries, a larger study would be required. Denniston explained the City would still have to pay for their own building and expenses, and some services would be eliminated due to duplication. Councilmember Swegles verified with Denniston the county system does not pay for branch libraries.

Vice Mayor Hamilton verified with Griffith that Sunnyvale's children are underserved by the library services and children's materials.

Arthur Schwartz stated he supports Griffith's comments. Schwartz explained the existing library does not meet proper codes; therefore, an addition to the main Library could not be made without upgrading the existing Library. Schwartz stated he previously proposed adding an adjacent building connected by a covered walkway to the existing Library. Once that was done, the old Library could be updated. Schwartz requested consideration of this proposal.

Connie Portele suggested consideration be given to providing a library for youth in the north part of town. Portele was concerned people who really need a good library may not have the ability to drive to a distant library.

Public hearing closed at 8 p.m.

Councilmember Whittum stated higher Academic Performance Index (API) scores from youth could have a positive effect on property values. Councilmember Whittum verified with Denniston a branch library near the schools would be beneficial.

Councilmember Whittum verified with Denniston approximately 40 people attended the library forum; however, staff also attended parent/teacher meetings at several schools, neighborhood association meetings and local business meetings, and received e-mails from local residents. Councilmember Whittum verified with Denniston approximately two-thirds of responses received were not in favor of a branch library and/or preferred the City concentrate on a main library. The remaining one-third of the responses received were either in favor of a branch library or finding an alternative outreach method for library services. Councilmember Whittum verified with Denniston the sample size of the residents surveyed was approximately 100.

Councilmember Whittum stated it appears there is a general lack of enthusiasm for either improving the main Library or having a branch library. Councilmember Whittum stated it appears a possible outcome of this study is that nothing may be done, and he questioned if that is really the best outcome. Denniston explained the Library staff would like to do more outreach, such as a bookmobile, which would go to several neighborhoods and cost less than a branch library.

MOTION: Vice Mayor Hamilton moved, and Councilmember Howe seconded, to approve Alternatives No. 6 and No.13:

Alternative No.6: Council approves delivery of library services through developing remote digital access and exploring cooperative ventures, with no additional costs required outside the operating budget, and

Alternative No.13: Council continues to explore all outreach service options as well as improvements to the main Library under the oversight of the city manager.

Vice Mayor Hamilton stated she disagreed with Councilmember Whittum's comments that there does not seem to be any enthusiasm for fixing up the main Library, since 59 percent of voters were in favor of a new library when the bond issue was on the ballot. Vice Mayor Hamilton explained the bond would have passed in any other state; however, the manner in which the votes are calculated in California resulted in the bond failing to pass.

Vice Mayor Hamilton stated she agrees with the Board of Library Trustees that the right question was not asked in this study. Vice Mayor Hamilton stated there are several ways the City can offer more effective community library services other than a branch library. The City can sponsor literacy programs, participate in county programs and assist with parent education.

Vice Mayor Hamilton stated she is not opposed to a branch library, but the main Library needs to be replaced first and should be the City's main priority.

Councilmember Whittum stated he will not support the motion - Alternatives No.6 and No.13 could be sponsored as a budget issue and are not necessary or even connected to the study. Councilmember Whittum agreed the study was well done and the value of the study was to provide Council with a plan for a time when the City could afford to provide residents with a new community amenity. Councilmember Whittum stated the plan is a good one and does not agree with doing away with it due to the current financial situation. Councilmember Whittum stated he would like to see scoping of the project occur and stated the right motion would be to have staff come back to Council with a short list of possible sites and to consider some type of design charrette (including urban planning aspects) of building a library at the proposed sites.

Councilmember Whittum stated if all the library services are at one location, then planning needs to consider how to increase youth usage of the Library. Offering shuttle service would be one option if a branch library were approved. Councilmember Whittum explained the proposed alternatives to a branch library do not solve the after-school issue for children.

Councilmember Whittum stated the next step in this study process is to request a short list of possible sites with input from the Board of Library Trustees. Councilmember Whittum stated he is aware that financing for a branch library will not be available in the short term.

Councilmember Moylan stated the public safety aspect of adding a branch library cannot be ignored. The way to mitigate the problem of crime and gangs is for youth to have constructive activities and a substitute family. Councilmember Moylan stated the City cannot wait until 2011 to take steps to fix the problem of youth getting involved in criminal activity. Providing a gathering place, connected to literacy, for people to form substitute social groups is a positive start to correcting the problem. Councilmember Moylan agreed the goal is to fix the City's inadequate library facilities and the main Library should be replaced. Another bond measure will not be on the ballot until 2011; therefore, it would be more important to address current problems in the north part of town before they escalate.

Councilmember Moylan stated he preferred a combination of Alternatives No.1, No. 2 and No.12. Councilmember Moylan stated he would like staff to come to Council with the best option for a 15,000 square-foot facility that might be available at Lakewood or East Ponderosa, and Council could then prioritize the library proposal along with other budget items. Councilmember Moylan acknowledged it may be too expensive, but without the location and cost information, funding a branch library has not been fully explored. Councilmember Moylan stated Council needs to expect dramatic increases in the public safety budget if the problems are not addressed now. Councilmember Moylan acknowledged the overall arguments made about the inefficiencies of a branch library are true; however, the larger issue is the overall service the City provides and this amenity would help to solve that issue. If it is possible to fund a branch library, Council should approve that action.

Mayor Spitaleri stated the City cannot wait for a bond measure to pass before the City's inadequate library services are addressed. Mayor Spitaleri explained how rapidly prison populations are increasing and the way to stop feeding the prisons is to teach youth how to read. A library is a place where reading starts, and Council needs to plan for the future and realize that if a branch library is approved, it will not affect any plans for a new main library.

Vice Mayor Hamilton stated she understood there are issues with the lack of after-school programs and the importance of these issues; however, part of the motion is to continue to research all outreach efforts. Vice Mayor Hamilton stated there are options available that will not be as expensive as a branch library, and she would like to see neighborhood resource officers work with the youth in Sunnyvale to reduce the criminal activities.

VOTE: 4-2 (Councilmembers Whittum and Moylan dissented and Councilmember Lee absent)

MOTION: Councilmember Whittum moved, and Mayor Spitaleri seconded, to request staff:

- Prepare a one-page fact sheet for each of the short list of sites, no more than six, with a small scale map representing the nearby streets, transit and points of interest and return to Council for approval of the short list;
- Prepare a budget for a design charrette to explore the urban planning aspects of each site;
- Once a library director is hired, proceed to organize the charrette involving the Planning Commission, Library Board, Parks and Recreation, Housing and Human Services, residents and neighborhoods;
- Return to Council with a short report and recommended ranking of the sites and commentary on each site; and
- Funding is exclusive to the design charrette, and budgetary approval will occur in 2010.

Vice Mayor Hamilton inquired if Councilmember Whittum's motion was in conflict with the prior approved motion. City Attorney Kahn stated it would not be in conflict because a design charrette is an additional action that Council could consider. Vice Mayor Hamilton responded the list of sites was contained in the staff report.

Councilmember Whittum explained the list of sites would be determined by staff. City Attorney Kahn explained the motion is to look at design charrettes of other sites, not to

establish branch libraries at those sites, which would be in direct conflict with the prior motion. Vice Mayor Hamilton stated looking at designs assumes Council has approved a branch library, which they have not. Vice Mayor Hamilton stated Councilmember Whittum's motion appears to be an attempt to circumvent the prior motion.

Councilmember Howe inquired if there would be a cost associated with Councilmember Whittum's motion. City Manager Gary Luebbers stated if staff needed to do further research, other than what is supplied in the staff report, there would be an additional cost. Councilmember Howe inquired as to how much funding would be appropriated for staff time and for the design charrette. Councilmember Whittum responded he is requesting a one-page fact sheet for each site with a small scale map, which will require some staff time. After that, staff would return with a report to request approval of the list and the budget for a design charrette to explore the urban planning aspects of each site. Councilmember Howe verified that Councilmember Whittum's motion would use staff time to produce a one-page list for each site with a maximum of six sites. Councilmember Whittum explained that the one-page sheet he is proposing will be an easier format for the community to understand than pulling out the information from the staff report.

Councilmember Whittum stated, should only the design charrette be produced, and then it took a number of years to build a branch library, the preliminary work would have been completed. This process also offers a way to engage the community in the planning stages.

City Manager Luebbers explained staff would need to analyze the sites differently, since some of the sites are no longer available. City Manager Luebbers stated the possibility of a branch library is a number of years away; therefore, performing a site evaluation at this time would not be productive. Many of the sites will change by the time an actual branch library may be approved and funded.

Councilmember Moylan stated he opposed the motion because the concept of a design charrette requires that the City has acquired a site. Councilmember Moylan explained that Council has decided not to move forward with a branch library and that a site has not been acquired by the City. At the time a branch library is approved, the sites probably will not be available; therefore, a design charrette is not needed at this time.

Vice Mayor Hamilton stated Councilmember Whittum's motion would pull staff away from the work of exploring all outreach options, as approved in the first motion.

Councilmember Howe stated he did not get an answer to his question about the financial commitment that Council would be making if this motion were approved. Councilmember Whittum explained he is not asking staff to do the charrette, he is asking staff to estimate a budget to create a charrette. Councilmember Whittum stated the work would distill information from the staff report to one sheet, double-sided. City Manager Luebbers stated it would take less than 40 hours of staff time to condense the information as requested by Councilmember Whittum.

VOTE: 1-5 (Mayor Spitaleri, Vice Mayor Hamilton, Councilmembers Moylan, Howe and Swegles dissented, and Councilmember Lee absent)

MOTION FAILED.

3. RTC 08-354 Community Event Grant Funding Recommendations

Community Outreach Coordinator Nathan Truitt presented the staff report.

Mayor Spitaleri stated Full Circle Farm is in the Santa Clara School District and asked if Full Circle Farm was receiving any funds from the school district for their project. Community Outreach Coordinator Truitt stated he did have that information.

Mayor Spitaleri stated he was concerned more attention and funding was not placed on downtown events compared to larger events, which already generate more funds. Community Outreach Coordinator Truitt stated although each event is important to the City, each application was evaluated by a staff review committee based on the criteria contained in the staff report on page 5. Attendance estimates for the downtown events were significantly less than the larger events, yet the committee still granted more funds per attendee for the downtown events.

Mayor Spitaleri explained the downtown events attract more Sunnyvale residents than an event such as the Sunnyvale Art and Wine Festival, which attracts people from all over the Bay Area. Mayor Spitaleri stated more weight should be placed on events that attract Sunnyvale residents.

Assistant City Manager Walker explained this item is very subjective and staff had to rely on the criteria for their decision. Assistant City Manager Walker stated Council has the option to provide additional criteria for staff evaluations.

Vice Mayor Hamilton asked Director Bradley if the City collects sales tax on the merchandise sold at the Art and Wine Festival. Director Bradley responded the City does collect tax on taxable goods, unless the vendor has a one-day permit.

Councilmember Howe stated the staff recommendation is to approve the events. He asked what would happen if Council does not approve the events as recommended by staff. Community Outreach Coordinator Truitt noted the grant application states that grants will be announced in December; therefore, if the grants are not approved, the organizers would have to cover all their costs. Councilmember Howe stated it appears that the City has not expended any funds and has no obligation to do so. Community Outreach Coordinator Truitt stated Councilmember Howe's perception was correct.

Councilmember Moylan inquired if staff has the attendance numbers for the Pet Parade. Community Outreach Coordinator Truitt stated he did not have those numbers. Councilmember Moylan stated there appeared to be well under 1,000 people at the Pet Parade.

Vice Mayor Hamilton inquired if any events, other than the Pet Parade, received in-kind donations. Community Outreach Coordinator Truitt stated in-kind donations were not listed in the applications received, and staff was not aware of in-kind donations from other events.

Mayor Spitaleri stated when Council voted to approve \$30,000 for community events, he was not aware that any of the funds would be used for staff time. Assistant City Manager Walker explained it was disclosed in the budget supplement that a portion of the funds would be used for administration of the event.

Public hearing opened at 8:50 p.m.

Paul Stewart, Sunnyvale Chamber of Commerce President, stated the Chamber supported the staff recommendation for the downtown Sunnyvale Art and Wine Festival. Stewart explained a large portion of the crowd attending the festival were Sunnyvale residents and outlined benefits of the festival to the community.

Accompanied by four music program students, Cameron Oats, Assistant Principal of Columbia Middle School, spoke in support of staff recommendation to support their music festivals through the community grant program.

Vice Mayor Hamilton verified with the students that approximately one-third of the students at Columbia Middle School are involved in the Music and Performing Arts Programs.

Councilmember Moylan explained the arts are one of the first areas cut when schools have tough times. Councilmember Moylan stated if it is perceived the City of Sunnyvale will fund areas the school districts cut, there would be an increase the number of applications asking the City to assist arts program next year.

Councilmember Moylan verified with Oats that the overall premise of the grant would be to allow Columbia Middle School to have enough funding to bring the northside community together. The grant money would be used to pay for food for those students who will be performing.

Councilmember Moylan verified with Oats this event was not created just for Columbia Middle School; instead it was for the northside community. Councilmember Moylan stated he was concerned that another entity should be paying for this event, and if the City steps in, then a slippery slope situation will be created. Oats explained there are not many events in the northside that bring the community together, but this event works.

Mayor Spitaleri stated he attended the Columbia Middle School music event and observed the goal of the event was to bring the entire community together, which is a different focus than most school arts programs.

Josh Salans thanked staff for the Full Circle Farm grant funding recommendation. Mayor Spitaleri verified with Salans the Santa Clara School District does not contribute any funding to the farm, other than in-kind donations of tables.

Public hearing closed at 9:04 p.m.

MOTION: Councilmember Howe moved, and Vice Mayor Hamilton seconded, to approve Alternative No.1: Council approves community event grant funding recommendations as proposed by staff

with staff to notify each grant award recipient that this is a one-time award of funds and is not a guarantee of future funding.

Councilmember Moylan stated he would prefer to redo the criteria and then send it back to staff for a new ranking. Councilmember Moylan suggested the following criteria:

- Application should be ranked by past attendance at the event as measured by staff and not as claimed by the applicant;
- Higher priority should be given to events that serve the entire community rather than

- a segment, such as events that focus only on children or dogs;
- Priority for events having demonstrated success over new events;
- Priority to spread events through the calendar year and among groups;
- Priority to groups that are not supposed to have funding from another source, such as school events that should be supported by their school district; and
- Priority for underserved portions of the community.

Councilmember Moylan stated he was uncomfortable with the criteria staff used and the subsequent ranking.

Vice Mayor Hamilton stated she agreed with the current criteria, and funding new events is appropriate because it provides necessary seed money for these events to become more successful in the future and no longer need future funding assistance. Vice Mayor Hamilton stated this is not an easy process, and adding the disclosure that this is not a guaranteed funding source is appropriate.

Councilmember Whittum stated he supported the motion. Councilmember Whittum explained the difficult part is that this is money that could be spent on other needs; however, the issue is that a sense of community and community events are important to this community's quality of life. Councilmember Whittum stated funding should be for events that might not otherwise happen, and the criterion for number of attendees could be less than 500.

Mayor Spitaleri said the thought behind events such as the Pet Parade was to bring the community together and that the attendance will grow over time.

Mayor Spitaleri stated he agreed with Councilmember Howe. This funding is a one-time expenditure, and should funding be available next year, Mayor Spitaleri stated he would favor offering community event grants, but there are no guarantees that the City will be able to offer this again. Mayor Spitaleri stated he supported the motion, but would have preferred to fund more of the new downtown events. Mayor Spitaleri stated he would not have included the Art and Wine Festival in this process, because they are an established event with a large attendance base competing for funds against smaller start-up events.

VOTE: 5-1 (Councilmember Moylan dissented and Councilmember Lee absent)

**4. RTC 08-359 2008-0487 Parking Requirements for Medical Office Buildings
[Study Issue]**

Project Planner Rosemarie Zulueta presented the staff report.

Councilmember Moylan inquired as to whether staff has identified a remedy for issues of employees being instructed to park on residential streets and spill over parking from legal non-conforming uses. Councilmember Moylan stated Council has a new policy that requires all uses in the City need to provide their own off-street parking.

Planning Officer Ryan explained the City does not have a remedy to require parking for a legal non-conforming site. The City does have the ability to protect neighborhoods through traffic calming, preferential parking, and a number of other techniques. Staff may encourage businesses to respect their neighbors and distribute parking literature to their employees.

Planning Officer Ryan explained the new policy states adequate parking shall be provided; however, it does not state everyone must use it. Although that is the expectation, the City cannot require an existing business to instruct their employees and patrons to use the onsite parking; however, the City does have the ability to instruct new businesses that onsite parking is required through the parking management plan.

Councilmember Howe verified with Planning Officer Ryan when an item goes before the Planning Commission, staff notifies property owners within 300 feet. A 500-foot notice refers to conflict-of-interest issues that arise for Councilmembers or commission members.

Councilmember Howe inquired if the new Council policy on parking would go into effect if an existing use were to remodel or enlarge their site, but did not change their use. Planning Officer Ryan responded if the site had a brand new building, the new policy would go into effect. Any form of intensification of a use (such as enlarging a space or if a new use took over a site) would require compliance with the parking policy; however, remodeling the interior would not.

Public hearing opened at 9:26 p.m.

Queene Mavor urged Council to hold businesses accountable for their parking issues. Mavor suggested linking the management of parking to business licenses or to review the possibility of preferential residential parking. Mavor suggested Council require a Use Permit for medical clinics rather than a Miscellaneous Plan Permit for future uses because the Use Permit allows for a higher level of community involvement.

Councilmember Whittum mentioned a seven-hour parking sign and inquired if that might help. Mavor stated she was concerned because employees could just re-park their cars at lunchtime.

Connie Portele inquired as to whether asking medical facility personnel to park offsite would be a violation. Portele stated allowing one space per 200 square feet of office space does not make sense. Portele stated that medical clinics should be required to disclose the number of staff they have, the number of annual average clients, and the number of clients they project to have over the next five years. Portele stated offsite parking should not be allowed and signage should be used to identify parking areas.

Councilmember Moylan verified with Planning Officer Ryan that it is legal for employers to tell their employees to park offsite.

Planning Officer Ryan explained clients for a medical clinic are seen throughout the day, and there would not be a concentrated amount of clients parking all at once.

Jeff Jones requested noticing be expanded to the end of the block or 500 feet, whichever is greater. Jones inquired if the parking management plans included guidelines such as enforcement and monitoring. Jones spoke about parking concerns at a site that is counting parking for a closed facility. Jones requested Council consider requiring more parking spaces (1 to 180) for medical clinics in residential areas.

M.L. Chan stated concerns about the parking management plan and the fact the City does not have any recourse. Chan stated intensification of medical facilities needs to be evaluated because some clinics are intensifying their services without adding square footage, which is adding to the need for parking spaces. Chan requested Council find a solution to this problem because it has gone too far.

Public hearing closed at 9:40 p.m.

MOTION: Councilmember Howe moved, and Councilmember Swegles seconded, to approve Alternative C: Same as Alternative A except requires a courtesy notice of the Miscellaneous Plan Permit or a notice of the Use Permit to properties within 300 feet of a new medical clinic.

Alternative A: Council introduces an ordinance (Attachment C) to amend the Zoning Code to:

1. Add a definition for medical clinics to include ancillary services such as retail, classes, etc.;
2. Require a Miscellaneous Plan Permit for new medical clinics in zones where medical offices are currently permitted by right;
3. Require a Use Permit with public hearing for new medical clinics in zones where a Use Permit is currently required for medical offices;
4. Establish a parking requirement for medical clinics the same as medical office (1:200 gfa), and
5. Require a parking management plan as a condition of approval for new medical clinics.

Councilmember Howe stated he understood there is nothing Council can do in the current neighborhood, but this motion will amend the Code to assist future medical areas.

Councilmember Howe stated Council had previously approved parking permits for the area which did not work and the only thing that could be imposed would be to add a limit to the number of hours for parking.

Councilmember Howe verified with Planning Officer Ryan that changing the parking space requirement from one space for every 200 square feet to one parking space for every 180 square feet would require that clinics have more parking spaces.

Councilmember Howe verified with Planning Officer Ryan formal restaurants require one parking space for every 110 square feet, which is different than a retail store which would be one space per 180 square feet.

Councilmember Howe verified with Planning Officer Ryan that one parking space for every 200 square feet is the correct number to use for medical clinics.

Councilmember Whittum offered a friendly amendment to allow one parking space per 180 square feet. Councilmember Howe declined the amendment, however, he stated the motion could include a requirement that this item come back to Council within two to three years for review. Councilmember Howe stated he would not accept the amendment at this time since he verified with Planning Officer Ryan that one parking space per 200 square feet was the current correct minimum number of spaces.

Councilmember Howe verified that Councilmember Whittum agreed with the addition to the motion requiring staff return to Council for a review within two years.

Planning Officer Ryan explained if a new clinic exceeds the requirements for parking; the number of parking spaces could be increased through the discretionary review process.

Councilmember Moylan stated he supported the motion. The critical aspect is staff's comment, "the same as a medical office," this is important because if there were one

standard for medical offices and a different one for a medical clinics, then there would be competition to be classified as the designation offering the better parking advantage. Councilmember Moylan stated he supported the staff recommendation because the standard is the same for both medical clinics and offices.

Restated MOTION: Councilmember Howe moved, and Councilmember Swegles seconded, to approve Alternative C: Same as Alternative A, except requires a courtesy notice of the Miscellaneous Plan Permit or a notice of the Use Permit to properties within 300 feet of a new medical clinic.

Alternative A: Council introduces an ordinance (Attachment C) to amend the Zoning Code to:

1. Add a definition for medical clinics to include ancillary services such as retail, classes, etc.;
2. Require a Miscellaneous Plan Permit for new medical clinics in zones where medical offices are currently permitted by right;
3. Require a Use Permit with public hearing for new medical clinics in zones where a Use Permit is currently required for medical offices;
4. Establish a parking requirement for medical clinics the same as medical office (1:200 gfa); and
5. Require a parking management plan as a condition of approval for new medical clinics.

with Council directs staff to return to Council within two years with an information report reviewing how well the ordinance worked.

City Clerk Borkowski read the title of the ordinance into the record.

VOTE: 6-0 (Councilmember Lee absent)

Councilmember Whittum proposed an alternate study issue (related to Department of Public Works DPW-19) to assess the cost and feasibility of adding a radio button item to the online permit system at the One-stop Center. The new permit would charge a nominal fee to cover costs and entitle the holder to an exemption from enforcement of time limit parking signs in residential zoning. The measure would address parking issues where non-residential uses are impacting the parking in residential areas. Councilmember Whittum noted short time limits could also be used. Councilmember Whittum stated if this study issue moves forward, it would eliminate existing study issue DPW-19.

Assistant City Manager Walker explained creation of a study issue paper requires two sponsors. This study item did not move forward at this time because a co-sponsor was not identified.

Mayor Spitaleri stated it was 9:30 p.m. and queried Council as to whether they would like to continue or take a break. Vice Mayor Hamilton requested the agenda continue and Mayor Spitaleri agreed.

5. RTC 08–358 Zero Waste [Study Issue]

Solid Waste Program Manager Mark Bowers presented the staff report.

Councilmember Moylan verified with Solid Waste Program Manager Bowers if this policy is adopted, it is possible the next time the City goes out for proposals for the SMaRT Station,

the fraction of the waste stream that is diverted could get a higher weighting among the various criteria than before.

Councilmember Whittum verified with Solid Waste Program Manager Bowers Council will approve the policies before they go to the legislature as part of the City's Intergovernmental Relations Program for Legislative Action Priorities (LAP).

Councilmember Whittum inquired about adding multiple recycling centers throughout the City and stated he would not endorse that action unless there were restrictions on placement. Solid Waste Program Manager Bowers stated is not part of the policy; instead it was a suggestion from the City's first community meeting. Staff is not recommending it at this time, and if approved in the future, the proposal would go through the land-use process.

Public hearing opened at 9:57 p.m.

Werner Gans stated zero waste was an admirable goal, but questioned the affordability of such an endeavor. Gans stated he would support joining studies with other cities on this subject. Gans stated he supported Alternative No. 2, to adopt the policy at a later date.

Public hearing closed at 9:59 p.m.

MOTION: Councilmember Swegles moved, and Councilmember Howe seconded, to approve Alternative No.1: Council adopts a Zero Waste Council Policy shown as Attachment A.

VOTE: 6-0 (Councilmember Lee absent)

6. RTC 08-341 Adoption of Proposed Mid-Year Changes to the Fiscal Year 2008/2009 Water Rates to Reflect Mobile Homes as a Separate Customer Classification

Councilmember Swegles recused himself since he is employed by a mobile home community.

Councilmember Swegles left the dais.

Revenue Systems Supervisor Tim Kirby presented the staff report.

Public hearing opened at 10:02 p.m.

Allan French expressed concern over lack of notice to the mobile home community, and questioned the amount of information from the City regarding how the change in rates will impact the residents.

Councilmember Whittum asked staff to address the size of mobile home water meters and other questions French had regarding the billing. A discussion occurred between French and Revenue Systems Supervisor Kirby regarding billing specifics.

Vice Mayor Hamilton verified with Revenue Systems Supervisor Kirby approximately 28 percent of the water meters are automated. Revenue Systems Supervisor Kirby stated mobile home residents have two choices, to use a public water meter or a private sub-meter. The private sub-meters are the most popular and are not read by the City.

Jeff Moore, Managing Partner – Brandenburg Staedler & Moore Mobile Home Communities, spoke in favor of the proposed rate changes. Moore stated they manage four mobile home parks in Sunnyvale, and the rate increase reminds residents to conserve. Moore noted how residents will be billed.

Trisha Vavak spoke of concerns over the rate increase and how it will affect the residents. Vavak stated residents do not understand how much this will affect them financially and the information the City sent out was confusing. Vice Mayor Hamilton explained those residents who do not know how much water they use tend to use a lot more; therefore, the City is starting to individually meter the water so residents pay for what they actually use.

Director Bradley explained mobile home parks can choose whether to continue to be master-metered or install individual meters. Director Bradley explained the reasoning behind this change to the water rates, and added the cost of installing the meters cannot be higher than what is listed on the rate sheet, regardless of installation costs for the park owners.

Fran Hirsch expressed support for this item, and stated because a mobile home community will be able to install water meters, does not mean that they will do so. Hirsch hoped the proposed rent reduction will offset the water cost, but conservation will be important. Hirsch stated the City was not in the position to explain this entire process; instead, the mobile home park owners would develop and distribute information packets to the residents, and then would follow up with a residents' meeting. Not all park owners followed this process.

Councilmember Howe verified with Hirsch the process requires that first a notice of water meter installation be distributed. Secondly, a 90-day notice is required regarding the rent reduction and, as part of the rent reduction notice, the mobile home park owners explain the rent reduction process, and then a meeting is held.

Councilmember Howe verified with Hirsch they plan to go through this process at the time meters are planned, and the amount of the rent reduction equals the resident water usage portion which is currently paid on an average monthly basis by each resident.

Councilmember Whittum verified the capital cost cannot be passed on to residents due to the current lease arrangements and that is why the Water District subsidy is so important.

Public hearing closed at 10:33 p.m.

MOTION: Councilmember Howe moved, and Councilmember Moylan seconded, to approve Alternative No. 1: Council adopts the resolution changing water rates for FY 2008/09 to establish mobile homes as a separate customer classification.

Councilmember Howe noted the idea behind this item was to find a way to conserve water, and the end result will be revenue-neutral, or positive for those who conserve.

VOTE: 5-0 (Councilmember Swegles recused, and Councilmember Lee absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None

NON-AGENDA ITEMS and COMMENTS

COUNCIL: None

STAFF: None

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 08-362 Board and Commission Resignation (Info Only)
- RTC 08-365 Opportunity for Council to appeal decisions of the Planning Commission of November 24, 2008, and the administrative hearing of November 26, 2008
- Draft Minutes of the Heritage Preservation Commission Meeting of November 5, 2008

ADJOURNMENT

Mayor Spitaleri adjourned the Council Meeting at 10:34 p.m. and convened the Onizuka Local Redevelopment Authority Meeting.

Katherine Bradshaw Chappelle
Interim City Clerk

Date